

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

THREE PIRATES, LLC, dba  
POINT BLANK DISTRIBUTING,  
an Oregon company,

3:16-CV-01054-JE

ORDER

Plaintiff,

v.

SHELTON BROTHERS, INC.,  
a Massachusetts corporation  
and VINUM WINE IMPORTING AND  
DISTRIBUTING, LLC, an Oregon  
limited liability company,

Defendants.

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#20) on September 27, 2016, in which he recommends this Court grant Plaintiff's Motion (#7) to Remand; deny Plaintiff's Motion (#7) for Attorney's Fees and Costs; and

deny as moot the Motion (#5) to Transfer or, in the Alternative, to Stay of Defendant Shelton Brothers, Inc. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#20). Accordingly, the Court **GRANTS** Plaintiff's Motion (#7) to Remand; **DENIES** Plaintiff's Motion (#7) for Attorney's Fees and Costs; **DENIES as moot** Shelton Brothers's Motion (#5) to Transfer or, in the Alternative, to Stay; and **REMANDS** this matter to the Multnomah County Circuit Court.

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of November, 2016.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge